UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,809	05/31/2001	Kazuaki Nakajima	P/289-165	1249

7590 05/26/2006		EXAMINER
STEVEN I. WEISBURD, ESQ.		BAYARD, DJENANE M

STEVEN I. WEISBURD, ESQ.
DICKSTEIN SHAPIRO MORIN & OSHINSKY, LLP
1177 AVENUE OF THE AMERICAS- 41ST FLOOR
NEW YORK, NY 10036-2714

ART UNIT	PAPER NUMBER
2141	

DATE MAILED: 05/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/870,809	NAKAJIMA, KAZUAKI
	Examiner	Art Unit	
	Djenane M. Bayard	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*27 March 2006*</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3,4,6,7,9-11,13 and 14* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3,4,6,7,9-11,13 and 14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>*10/06/05*</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This is in response to Request for continued examination filed on 3/27/06 in which claims

1, 3-4, 6-7, 9-11 and 13-14 are pending.

Response to Arguments

2.   Applicant's arguments with respect to the rejection(s) of claim(s) 1, 4, 7 and 11 under

Boyle et al have been fully considered and are persuasive. Therefore, the rejection has been

withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view

of U.S. Patent No. 6, 984225 To Gaudette.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   Claims 1,4, 7, 10-11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable

over U.S. Patent Application No. 2001/0037266 to Schroeder in view of U.S. Patent No.

6,984225 to Gaudette.

a.   As per claims 1 and 4, Schroeder teaches a method of identifying a server from a client

terminal having a browser and a processor, said server and said client terminal being connectable

with each other via a communications network, comprising the steps of: a) transmitting a first

request packet from said browser to one of said plurality of servers for requesting identity of an

intended server maintaining a shared data file (See page 3, paragraph [0037*], *many image file*

servers can be dispersed throughout the system) ; b) receiving the first request packet at said one

server and transmitting therefrom server specific information to said browser, indicating the

identity of the intended server ((See page 3, paragraph [0037], *The server sends its file response*

to the URL request in the form of instructions to the browser as to where it can find the images.

Furthermore, it is inherent to one with ordinary skill in the art that the identity of the intended

server is contained in the reply in order for the browser to send the second request directly to the

intended server); c) receiving said server specific information at said browser and invoking said

processor to hand over the received information to the processor; d) transmitting a second

request packet from the processor containing the identity of said intended server to said network

for requesting downloading of said shared data file, whereby the second request packet is

automatically routed through the network to the intended server; to a server specified by the

received server specific information (*It is inherent to one with ordinary skill in the art that the*

second request contained the identity of the intended server in order for the browser to send the

request directly to the intended server); and e) receiving the second request packet at the

intended server and downloading the requested shared data file from the intended server to said

processor, and storing the downloaded shared data file in said memory device; (See page 3

paragraph 0037]). However, Schroeder fails to teach f) transmitting a third request packet from

said processor to the intended server for requesting differential data and transmitting therefrom

to said processor differential data representing a difference between a said data file currently

maintained by the intended server and the shared data file that was downloaded in step (e) from

the intended server to said processor.

Gaudette teaches when a user mouse clicks (*request*) on the subtract icon, the software

compares the cached image for that web page to the current server image (See col. 2, lines 15-

20).

It would have been obvious to one with ordinary skill in the art at the time the invention

was made to incorporate the teaching of Gaudette in the claimed invention of Schroeder in order

for on to determine what are the differences between the old and new versions of a web site (See

col. 1, lines 57-60).

b.   As per claims 7 and 11, Schroeder teaches a communications network; a plurality of

servers connected to the network; and a client terminal connected to the network, the client

terminal having a processor and a browser, the browser transmitting a first request packet to one

said plurality of servers for requesting identity of a server that maintains a shared data file (See

page 3, paragraph [0037]); said one of said servers being responsive to said first request packet

for transmitting server specific information to said browser for indicating the identity of an

intended server (See page 3, paragraph [0037], *The server sends its file response to the URL*

request in the form of instructions to the browser as to where it can find the images.

Furthermore, it is inherent to one with ordinary skill in the art that the identity of the intended

server is contained in the reply in order for the browser to send the second request directly to the

intended server), said browser being responsive to said server specific information for invoking

said processor to hand over the received information thereto, said processor being responsive to

the received information for transmitting a second request packet containing the identity of the

intended server to said network for requesting downloading of the shared data file, whereby the

second request packet is automatically routed through the network to said intended server and

being configured to store a said shared data file when the same is downloaded from said

intended server in said memory device and the intended server being response to the second

request packet for downloading shared data file to said processor (See page 3, paragraph [0037]).

Remarks : It is inherent that the client terminal has a processor in order to process the request

and the response from the server). However, Schroeder fails to teach transmitting a third request

packet from said processor to the intended server for requesting differential data and being

responsive to said third request packet for transmitting to the processor differential data

representing a difference between a shared data file currently maintained by the intended server

and the shared data file that was downloaded in response to said second request packet.

Gaudette teaches when a user mouse clicks (*request*) on the subtract icon, the software

compares the cached image for that web page to the current server image (See col. 2, lines 15-

20).

It would have been obvious to one with ordinary skill in the art at the time the invention

was made to incorporate the teaching of Gaudette in the claimed invention of Schroeder in order

for on to determine what are the differences between the old and new versions of a web site (See

col. 1, lines 57-60).

c.   As per claims 10 and 14, Schroeder in view of Boyle et al teaches the claimed invention

as described above. Furthermore, Schroeder teaches wherein said intended server is configured

to receive server specific information from another server of the network and transmits the

received server specific information to said browser (See page 3, paragraph [0037]).

5.   Claims 3, 6, 9 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent Application No. 2001/0037266 to Schroeder in view of U.S. Patent No 6, 981225 to

Gaudette as applied to claims 1, 4, 7 and 11 above, and further in view of U.S. Patent No.

5,852,717 to Bhide et al.

a.   As per claims 3, 6, 9 and 13, Schroeder in view of Gaudette teaches the claimed

invention as described above. However, Schroeder in view of Gaudette fails to teach wherein

said network includes a cache memory, and wherein said second request packet contains an

identifier identifying said shared data file, said identifier being determined for each access from

said processor to said intended server so that the shared data file identified by said identifier does

not coincide with data stored in said cache memory.

        Bhide et al teaches wherein said network includes a cache memory, and wherein said

second request packet contains an identifier identifying said shared data file, said identifier being

determined for each access from said processor to said server so that the shared data file

identified by said identifier does not coincide with data stored in said cache memory (See col. 12,

lines 15-35)

        It would have been obvious to one with ordinary skill in the art at the time the invention

was made to incorporate wherein said network includes a cache memory, and wherein said

second request packet contains an identifier identifying said shared data file, said identifier being

determined for each access from said processor to said server so that the shared data file

identified by said identifier does not coincide with data stored in said cache memory as taught by

Bhide et al in the claimed invention of Schroeder in view of Gaudette in order to set up the cache

of information and realize a performance increase (See col. 8, lines 1-3).

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

U.S Patent No. 6, 219818 to Freivald et al teaches checksum comparing change detection

tool indicating degree and location of change of Internet documents.

7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Djenane M. Bayard whose telephone number is (571) 272-3878.

The examiner can normally be reached on Monday- Friday 5:30 AM- 3:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Djenane Bayard

Patent Examiner

RUPAL DHARIA
SUPERVISORY PATENT EXAMINER